HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 24681 of 2007

Dated: 22-11-2007

Between:

Subba Reddy Venkateswarlu

..... PETIT

AND

The District Collector,
Prakasam District,
Ongole and 3 others.

.....RESPONI

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 24681 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in notifying the plots in Layout No.20/88 in Sy.Nos.71,72,73,76,77 and 79/1,2,3 situated in Ongole Municipal Limits for sale by tender-cum-public auction scheduled to be held on 22-10-2007 or any other date as illegal and arbitrary. The petitioner also sought for a direction to the respondents to allot one plot to him under the category of Economically Weaker Sections (EWS) in Layout No.20/88 situated within Ongole Municipal limits.

The petitioner in his affidavit filed in support of the writ petition averred that he was owning an extent of 25 Gadies (equal to Ac.0.05 cents) of land in Sy.No.73/3 of Mamidipalem village, Vengamukkalapalem Gram Panchayat. The said land was acquired in the year 1975 and the petitioner was paid a sum of Rs.300/- towards compensation therefor. The petitioner averred that respondent No.4 took up the scheme called sites services scheme in the year 1985 and an extent of Ac.35.00 was included in the scheme, a layout was prepared and the same was approved by respondent No.2 for developing the said site as house plots. It is further averred that the said scheme was questioned in W.P.No.6183 of 1993 by certain individuals and that the respondents are now seeking to sell the same in public auction by deviating from the purpose for which it was acquired. The petitioner, therefore, questions the notification dated 06-10-2007 under which respondent No.3 has put the plots in layout L.P.No.20/88 for auction.

Heard Sri K. Manmadha Rao, learned counsel for the petitioner and Sri S.Nageswara Reddy, learned standing counsel for respondent Nos.3 and 4.

From the petitioner's own averments, an extent of Ac.0.05 cents belonging to him was acquired by respondent No.3 as far back as the year 1975 and that compensation in respect of the same was paid. The petitioner's grievance appears to be that under the present notification, respondent No.3 has been seeking to sell the plots in open auction and according to the

petitioner this is in deviation of the purpose for which the land was acquired. The petitioner failed to file the relevant notifications under which his and others' lands were acquired in the year 1975. No material is placed before the Court to indicate the purpose for which the lands in the year 1975 were acquired by respondent No.3. Therefore, his plea that the action of respondent No.3 in seeking to sell the plots in public auction under the impugned notification is illegal as the plots are now sought to be sold in deviation the purpose for which the land was acquired is without any basis. Though a vague submission is made that the petitioner belongs to Economically Weaker Section category and he is also entitled to allotment of plot, he failed to fortify the said plea by producing any material. It is neither the pleaded case of the petitioner nor any material is placed in support of the same that respondent No.3 has framed a policy under which it decided to put to use the land acquired in the year 1975 for being allotted to Economically Weaker Sections. Since the petitioner's land was acquired in the year 1975 itself,

I am of the view that he has no locus to question the proposed auction almost 32 years after the acquisition of his land.

For the aforementioned reasons, the writ petition is wholly misconceived and the same is therefore, dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 22-11-2007
KLP